Dear Chairman Harkin and Ranking Member Alexander:

The organizations listed below representing both general and special education communities would like to express our deep concern with any amendment that would codify the use of alternate assessments based on modified academic achievement standards (known as the 2% regulation) in a re-authorized ESEA. We believe that except for students with the most significant cognitive disabilities, all other students with disabilities should be required to take the same state assessments, with accommodations as appropriate, as those administered to students without disabilities.

While the U.S. Department of Education provided some initial funding to create modified assessments through the State Enhancement Grants (GSEGs), it never clearly defined the population of students for whom the assessment would be appropriate. Ultimately, it failed to help states implement the regulation and it was never widely used. Just a handful of states have implemented the 2% assessments; and, the U.S. Department of Education has eliminated the use of the modified assessments by 2014-2015 in all states with approved ESEA flexibility waivers. Thus, almost all states are in the process of transitioning students out of these assessments.

Therefore, reviving the 2% assessment in any new ESEA reauthorization does not make sense, especially because new assessments are being developed and adopted by states that will enable the majority of students with disabilities to take regular assessments with accommodations as appropriate. Indeed, both of the consortia tasked with designing assessments around the Common Core State Standards are building those assessments to include students with disabilities who were previously taking modified assessments. Given the lack of high quality modified assessments, federal law should eliminate the 2% test and promote the adoption of assessments that are valid and reliable for all students except those with the most significant cognitive disabilities.

Investment in a modified alternate assessment should not continue nor should it be promoted or supported by the U.S. Congress. Thank you for considering our views.

Sincerely,

National School Boards Association
Council for Exceptional Children
National Association of State Directors of Special Education
National Center for Learning Disabilities

Cc: Members of the Senate Health, Education, Labor and Pensions Committee